

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-592*

11 **LEA RUTH ARNESON**
12 **621 Brighton Way**
Livermore, CA 94551

13 **Registered Nurse License No. 648826**

A C C U S A T I O N

14 Respondent.

15 Complainant alleges:

16 PARTIES

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
18 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
19 Department of Consumer Affairs.

20 2. On or about December 1, 2004, the Board issued Registered Nurse License Number
21 648826 to Lea Ruth Arneson (Respondent). The Registered Nurse License was in full force and
22 effect at all times relevant to the charges brought herein and will expire on June 30, 2014, unless
23 renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.

28 ///

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Code section 2761(f) provides that the Board may take disciplinary action against a certified or licensed nurse for “[c]onviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. Code section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in

///

1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof."

3 COST RECOVERY

4 9. Code section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
9 included in a stipulated settlement.

10 FIRST CAUSE FOR DISCIPLINE

11 (Substantially Related Conviction)

12 10. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in
13 that, on or about January 19, 2012, in Sacramento County Superior Court, Case Number
14 11T01059, Respondent was convicted of having violated Vehicle Code section 23152(b) (driving
15 with a blood alcohol content of .08 percent or higher), with an enhancement pursuant to Vehicle
16 Code section 23578 (driving with a blood alcohol content of .15 percent or higher) that
17 Respondent admitted. Imposition of sentence was suspended and Respondent was placed on
18 three years probation and ordered to, among other things, serve three days in jail, complete a
19 nine-month first offender program, and pay fines and fees. The conviction arose from
20 Respondent's arrest on or about January 26, 2011, after Respondent was driving under the
21 influence of alcohol. The arresting officer noticed that Respondent's eyes were extremely
22 bloodshot and watery and that Respondent had difficulty managing window controls.
23 Respondent's blood alcohol content was measured at .262 percent.

24 SECOND CAUSE FOR DISCIPLINE

25 (Dangerous/Injurious Use of Alcohol)

26 11. Respondent is subject to disciplinary action under Code section 2762(b) in that, on or
27 about January 26, 2011, Respondent used alcohol in a manner dangerous or injurious to herself or
28 others, as described in paragraph 10, above.

